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Attorneys for Plaintiff,  
DERWIN LONGMIRE

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

DERWIN LONGMIRE,  
Plaintiff,

vs.

CITY OF OAKLAND, HOWARD JORDAN,  
SEAN WHENT, and DOES 1-50, inclusive  
Defendants.

Case No.: C10-01465 JSW

**STIPULATION AND ~~PROPOSED~~—  
ORDER EXTENDING DEADLINE TO  
FILE PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT**

IT IS HEREBY STIPULATED by and between counsel for all parties in the above-referenced action:

WHEREAS, the trial date in this matter is scheduled for February 27, 2012 and the hearing on defendant's motion for summary judgment is scheduled for December 9, 2011; and

WHEREAS, plaintiff's lead counsel recently returned from a family vacation and had to prepare and file an Opening Brief due in the California Court of Appeal in the matter of *McVeigh v. SF Recycling*, Case No: A131833 by August 19, 2011; and

WHEREAS, upon receipt of defendant's motion for summary judgment on August 12, 2011, plaintiff's counsel's office was short staffed with its only legal secretary on vacation who returned just this past Monday, August 22, 2011; and

WHEREAS, upon receipt of defendant's motion for summary judgment, plaintiff's counsel's office is further short staffed with its only associate, Lizabeth de Vries, on a pre-paid pre-planned vacation expected to return on August 29, 2011; and

WHEREAS, plaintiff's counsel is in the process of preparing for several previously scheduled depositions in the matter of *Rush v. City of Oakland*, Case No. RG09477417 in the Alameda County Superior Court, which commenced last week and are scheduled to continue over the course of next week; and

WHEREAS, plaintiff's counsel is in the process of preparing for an opposition to yet another motion for summary judgment in the matter of *Rush v. City of Oakland*, Case No. RG09477417, which is due in the Alameda County Superior Court no later than September 15, 2011; and

WHEREAS, counsel for all parties hereby request the Court to extend the deadline for plaintiff to file his opposition to defendant's motion for summary judgment by three weeks from August 26, 2011 to September 16, 2011 and to extend the deadline for defendant to reply to October 7, 2011; and

All other deadlines shall remain in place.

Dated: August 24, 2011

**SCOTT LAW FIRM**

By: /s/ John H. Scott  
John Houston Scott  
Attorney for Plaintiff

Dated: August 24, 2011

**LAW OFFICES OF JOHN L. BURRIS**

By: /s/  
JOHN L. BURRIS

Dated: August 24, 2011

**FOSTER EMPLOYMENT LAW**

By: /s/  
MADELYN G. JORDAN-DAVIS

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the deadline to file plaintiff's opposition to defendant's motion for summary judgment in this matter has been extended to September 16, 2011. The deadline to file defendant's reply has been extended to October 7, 2011. There shall be no further extension of time on briefing this motion. The Court shall strike any late-filed briefs.

DATE: August 25, 2011

  
HONORABLE JEFFREY S. WHITE  
United States District Court Judge

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